

FILED



4:28 pm, 2/14/22

Margaret Botkins  
Clerk of Court

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

VS.

Case No. 19-CR-00171-ABJ

MATTHEW TY BARRUS,  
GREGORY J. BENNETT, and  
DEVIN E. DUTSON,

Defendants.

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**ORDER GRANTING DEFENDANTS' MOTION IN LIMINE PRECLUDING  
THE UNITED STATES FROM USING THE PHRASE "THERAPY AS  
DEFINED BY MEDICAID" OR PRESENTING EVIDENCE THAT MEDICAID  
DEFINES THERAPY, ECF No. 195**

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THIS MATTER comes before the court on Defendants' *Motion in Limine for an Order Precluding the United States from Using the Phrase "Therapy as Defined by Medicaid" or Presenting Evidence That Medicaid Defines Therapy*, ECF No. 195. Having considered the filings, applicable law, and being otherwise fully advised, the court finds Defendants' *Motion in Limine for an Order Precluding the United States from Using the Phrase "Therapy as Defined by Medicaid" or Presenting Evidence That Medicaid Defines Therapy*—ECF No. 195—should be **GRANTED**.

The Government responded to Defendants' motion by agreeing that it would not use the phrase "therapy as defined by Medicaid," and it would not provide testimony or

evidence to support any conclusion that Medicaid defines what is or is not therapy. ECF No. 222 at 7. The Government nonetheless articulated its interest in offering evidence of appropriate Medicaid testimony. But Defendants did not object to the offering of appropriate Medicaid testimony. Instead Defendants only requested that this court exclude the phrase “therapy as defined by Medicaid.” So the court sees no conflict here and orders that the Government shall not use the term “therapy as defined by Medicaid” or present evidence which purports to show that Medicaid defines therapy. The Government shall instruct its witnesses to also comply with this order.

It is **ORDERED** Defendants’ *Motion in Limine for an Order Precluding the United States from using the Phrase “Therapy as Defined by Medicaid” or Presenting Evidence That Medicaid Defines Therapy*—ECF No. 195—is **GRANTED**.

Dated this 14<sup>th</sup> day of February, 2022.

  
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Alan B. Johnson  
United States District Judge